

# Grant County Planning Commission

## February 24<sup>th</sup>, 2003

The February 2003 regular meeting of the Planning Commission was called to order by Vernon Webster at 7:00 p.m.

Those in attendance: William Covington, Vernon Webster, Nancy Duley, Brooke Rider, Stephen Fritz, Marvin Faulkner, Stephen Mann, Nick Kinman, Tony Pangallo and Tom Nienaber.

There was a quorum present.

### **ITEM 1. JANUARY MINUTES**

Nick Kinman made a motion to approve the January meeting minutes, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 2. JANUARY FINANCIAL REPORT**

Stephen Mann made a motion to approve the financial report for January, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 3. ADMINISTRATORS REPORT**

Jonathan stated that he would be visiting the City of Crittenden to discuss the proposed County Wide Zoning Ordinance on Tuesday; he said that he had met with the City of Dry Ridge and planned to meet with them again in the next couple of months.

### **ITEM 4: 2003-2004 BUDGET**

The Commission reviewed the proposed budget prepared by the staff and the Budget subcommittee. Jonathan stated that the total budget was down 3%-4% from last years.

Stephen Mann made a motion to approve the budget and William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 5: TEXT AMENDMENT - CITY OF DRY RIDGE - SECTIONS 10.7(C), 10.8(C), 10.9(D), 18.7(A) (1)**

Vernon Webster declared the public hearing open.

Mike Mulvey, attorney for the City, stated that the text amendment was to add Human Care Facilities to the conditional use in the CBD, NC and Industrial zones. And Section 18.7 to require that both the landowner and the use tenant apply for the conditional use permit so that any conditions are known to all involved. He also stated that in the Industrial zone they allowed for multiple businesses to apply for the permit for the facility.

Vernon Webster asked if anyone wished to speak for or against the request.

Vernon Webster declared the public hearing closed.

Mr. Nienaber stated that his opinion was that KRS 100.982 would include what this is referring to in that it sets forth provisions for residential care facilities for the handicap.

Mr. Mulvey stated that this was not a residential care facility that they are not going to reside there.

Mr. Nienaber that the way the text is written if the owners of the facility changed then the permit would expire.

Mr. Mulvey stated that they knew that and they wanted to know who was taking over the facility.

Mr. Nienaber stated that he was concerned with this language and that he was afraid disputes could arise from it.

Mr. Mulvey stated that currently there is nothing in their ordinance that addresses day-to-day daycare.

Mr. Nienaber stated that there could be serious conflicts arise with the language and that in his opinion the wording needed fine-tuning.

Marvin Faulkner asked if the Commission could table the request and the City look into the wording.

Mr. Nienaber stated that the Commission can recommend to the city to adopt as it is or not recommend adoption due to problems and send the recommendation to the City for their final decision or make no recommendation and refer to the city or table the item and discuss the issue and bring it back before the commission.

Stephen Mann asked if there were plans for this type facility coming in to the City or if this was just to control.

Mr. Mulvey stated that there is someone interest in CBD property for day care and the purpose of the text amendment is to put something in that was totally left out.

Mr. Nienaber stated that the City could state that if the owner changed that as long as they were licensed and provided the City with a copy of that license then the Permit would not expire.

Mr. Mulvey stated that that was an option.

Stephen Mann asked if it was the cities intention to make the permit void if the company changed hands.

Mr. Mulvey stated that it was there intention.

Stephen Mann made a motion to recommend to the City that that they change the wording to take out that the conditional use permit is void if the facility changes managers and add that if the facility changes managers or companies that they must provide a copy of their license to the City, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 6: TEXT AMENDMENT - COUNTY - ART. 10; SEC. 10.52, C. 11. (G)**

Vernon Webster declared the public hearing open.

Jonathan stated that this request had been brought up during the hearing for the new zoning ordinance but a request had been made that the text be added to the existing ordinance. He said that the request was to add “ public recreational complex for the display of agricultural products, equipment and animals” to the A1 zone.

Vernon Webster asked if anyone wished to speak for or against the request.

Steve Howe stated that he had proposed the amendment and that he was looking into constructing an indoor riding arena. He said that his family travels to other arenas and there is a demand for this type of thing.

Vernon Webster declared the public hearing closed.

Jonathan stated that the amendment was adding the use to the conditional uses so that the Board would have the option of putting conditions of the request.

Nick Kinman made a motion to approve text amendment and Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 7: ZONE CHANGE - MARTIN A1 TO RR**

APPLICANT: Kelly Martin

GENERAL LOCATION: An approximate 3.742 acre area located on the southwest side of Warsaw Rd., approximately 7.4 miles northwest of KY 22

REQUEST: to change the zoning of the property from A1 - Agricultural One to RR - Rural Residential

Vernon Webster declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Martin stated that the request was to divide an existing home and 4 acres from the rest of his property in order to sell the home to the people who have been living there for 8 years.

Jonathan stated that the property was separate from the rest of the property until Mr. Martin purchased the house and at that time the deeds were combined.

Vernon Webster asked if anyone wished to speak for or against the request. No one spoke for or against the request

Vernon Webster declared the public hearing closed.

Jonathan stated that his recommendation was for approval with the condition that the property not be further subdivided due to the topography of the land.

Nick Kinman made a motion to approve the request because it is not in conflict with the Comprehensive Plan with the condition that the lot not be further subdivided, Brooke Rider seconded the motion.

Jonathan asked Mr. Martin if the condition was acceptable to him.

Mr. Martin stated that it was.

A hand vote was taken on the motion, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 8: ZONE CHANGE - ISERAL A1 TO RR**

APPLICANT: Allen Iseral

GENERAL LOCATION: An approximate 5.016 acre area located on the east side of Mulligan Rd., approximately 0.9 miles south of Vallandingham Rd.

REQUEST: to change the zoning of the property from A1 - Agricultural One to RR - Rural Residential

Vernon Webster declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Iseral stated that the request was to have 2 5-acre tracts and build a home on each.

Vernon Webster asked if anyone wished to speak for or against the request. No one spoke for or against the request

Vernon Webster declared the public hearing closed.

Marvin Faulkner asked how many home were going to be on each lot. Mr. Iseral stated that there would be one on each lot.

Jonathan stated that his concern was if the roadway could handle the traffic. He said that Mr. Iseral says there is going to be only 2 houses but who knows what will happen in 10 years. He said that his concern was having this number of acreage taken to the RR zone.

Mr. Iseral stated that he wanted to have the property agricultural but didn't have the lot width for the A2 zone.

Marvin Faulkner asked how many homes are on Mulligan Rd.

Mr. Iseral stated that there were probably 15.

Stephen Mann asked Mr. Iseral if this was the only land he owned on the Road and if he was going to build the home himself.

Mr. Iseral stated that is was the only land and he was going to build the homes himself.

Stephen Mann asked what type of homes they would be.

Mr. Iseral stated that they would most likely be double wides.

Nancy Duley asked if he planned to further divide the property.

Mr. Iseral stated that he did not.

Jonathan stated that his concerns were 1. that the lot sizes are too large for the development of the RR zoning classification, 2. the roadway may not be wide enough for the additional traffic, 3. the intent of the RR zoning classification is for smaller tract development off of larger family farms for the placement of manufactured homes. He said that if the applicant agrees not to subdivide the property further that the concerns of the roadway and lots sized too large for RR zone go away.

Stephen Mann made a motion to approve the request with the condition that the lots not be further subdivided, Marvin Faulkner seconded the motion. A hand vote was taken on the motion, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 9: ZONE CHANGE - DAWALT A1/R2 TO R1B**

APPLICANT: Todd Dawalt

GENERAL LOCATION: An approximate 12.387 acre area located on the north side of Humes Ridge Rd., approximately 0.5 miles east of KY Rt. #25

REQUEST: to change the zoning of the property from A1 - Agricultural-One and R2 - Residential-Two to R1B - Residential One B

Vernon Webster declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Dawalt showed the Commission the Development Plan and stated that the property was ½ mile down Humes Ridge Road. He said that the preliminary and improvement plat for phase 1 had been approved. He said that this part of the property was zoned R2 and the remaining zoned A1 and that they were asking the entire property be rezoned to R1B to allow for single-family housing. Mr. Dawalt stated that there would be 4 ½ acres of green space out of the 12 acres.

Jonathan stated that their original request was for an R3 zoning which would have allowed multi-family dwellings.

Mr. Dawalt stated that he planned on building the home himself and they would be just above starter homes.

Jonathan questioned the access to the green space behind the lots.

Mr. Dawalt stated that their plans were to have 2 easements along property lines to allow access to walking trails along the creek.

Marvin asked how many lots there were.

Mr. Dawalt stated that there were 20 lots.

Vernon Webster asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Vernon Webster declared the public hearing closed.

William Covington asked what would be done with the green space.

Mr. Dawalt said that they were looking into easements of dedicating the property to the City to take care of.

Mr. Nienaber stated that if the City had an ordinance on maintaining property that if the property was not maintained the City could take action against the property owner.

Nick Kinman asked if the property abutted any agricultural activity.

Mr. Dawalt stated that he did not think so.

Mr. Kinman stated that this property abutted an owner who ran cattle on the property and questioned who would maintain the fence.

Jonathan stated that that issue was addressed in the state statute and was not an issue for the Commission.

Vernon Webster declared the public hearing closed.

Nick Kinman made a motion to approve the request based on the findings that 1. the property is surrounded by development and the logical extension of the development would be for smaller lots served by the sanitary sewer, 2. the request will make better use of the property by using less acreage per lot allowing for the logical extensions of the surrounding land uses, 3. existing zoning classification would not allow for any logical extension of the current development pattern in the general vicinity, Nancy Duley seconded the motion. A hand vote was taken on the motion, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 10: ZONE CHANGE - ROBINSON/LENIHAN - R1 TO NC**

Jonathan stated that the Commission would need to table this item because there was not sufficient time to review the application.

Marvin Faulkner made a motion to table the item until the March meeting, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 11: R&D TOBACCO - SITE PLAN**

Tony Pangallo read a letter from Erpenbeck Engineers recommending approval of the plat as revised 2/17/03.

Jerry Keith stated that the plan was to remove the existing Tobacco Mart building and construct a larger one on the same property.

Stephen Mann made a motion to approve the plan, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 12: DCBB INC.- SITE PLAN**

Tony Pangallo read a letter from Erpenbeck Engineers recommending approval of the plat with conditions. He stated that all the conditions had been met.

Jerry Keith stated that the plan was for Subway to move into this building and to lease the other spaces. He stated that any future development may need to widen the entrance.

Stephen Mann made a motion to approve the plan, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 13. CONVEYANCE PLATS**

Jonathan presented a list of the conveyance plats approved during January and February. See attached sheet for list

William Covington made a motion to approve the list as presented, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **Item 14. Executive Session**

none

#### **Item 14: Other Business**

Logan Murphy stated that last month the Commission had approved the site plan for the Hometown Pizza and had discussed the right-of-way. He stated that the conveyance plat was presented for approval showing the lot as shown on the site plan and Ray Erpenbeck stated that the plat had to show a 25ft. right-of-way along Race and 22. He said that the plat was revised and Jonathan signed the conveyance plat but when they owners went to the closing it created a problem with the buyer because they would have to change their parking. He said that in 1999 the Lawrences granted 20 ft. to the City and they are asking for a waiver for the addition 5 feet for the right-of -way.

Jonathan stated that when the site plan and the conveyance plat were drawn it was known that the additional right-of-way was required.

Mr. Nienaber stated that the Commission could grant the waiver if 1 of 3 things:1. unusual topographical or physical conditions exist; or 2. strict compliance with these regulations would create an extraordinary hardship; or 3. the modifications would provide for innovative design layout of the subdivision.

Jonathan asked Logan if any of those existed.

Logan stated that there was a physical conditions because of the narrow lot and that it would create a hardship because it would change the parking.

Marvin Faulkner made a motion to approve the waiver because requiring it would cause a hardship because the plat was already approved, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **Item 15. Adjournment**

Nick Kinman made a motion to adjourn, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

---

**JOHN LAWRENCE, CHAIRMAN - DATE**

---

**NICK KINMAN, SECRETARY - DATE**